

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR MARTIN COUNTY)

Case No. 51S00-11 07 -MS- 419

ORDER APPROVING AMENDED LOCAL RULES

The judge of the Martin Circuit Court requests the approval of amended local rules for the appointment of special judges in accordance with Ind. Trial Rule 79 and the regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Martin Circuit Court, this Court finds that the proposed rule amendments, LR51-TR79-1 and LR51-AR15-3, comply with the requirements of Ind. Trial Rule 79 and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Martin County Local Rules, LR51-TR79-1 and LR51-AR15-3, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Lynne Ellis, Martin Circuit Court, Annex, 111 Main Street, P.O. Box 370, Shoals, IN 47581-0370; to the Clerk of the Martin Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Martin Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 6th day of July, 2011.

R T Shepard
Randall T. Shepard
Chief Justice of Indiana

(a) APPOINTMENT OF SENIOR JUDGE IN CERTAIN CASES

In any case where the Judge of the Martin Circuit Court enters an order of recusal or disqualification based upon a conflict of interest arising from any case she was involved in as a private attorney prior to assuming the bench on January 1, 2011, the case shall be assigned to a senior judge assigned to the Court eligible and willing to serve as a special judge for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the eligible Senior Judge with an appropriate entry in the record of Judgments and Orders and notify the Senior Judge. A party may file an objection within seven (7) days of appointment under this section, and if so, a special judge may be selected under the provisions of Trial Rule 79 (D) and (E).

A Senior Judge appointed without objection under this section shall accept jurisdiction under the provisions of this rule unless disqualified under the code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction shall not be required. After accepting jurisdiction, the Senior Judge shall retain jurisdiction for all future proceedings unless a specific statute or rule provides to the contrary, or the Senior Judge is unavailable by reason of death, sickness, absence, or unwillingness to serve. If further reassignment is required, it shall be in the manner described in section (b).

**(b) APPOINTMENT OF SPECIAL JUDGE
UNDER TRIAL RULE 79(H)**

In the event that a special judge does not accept a case under sections (D), (E), or (F) of Trial Rule 79 of the Indiana Rules of Procedure, or the presiding judge is disqualified or recuses in cases other than those described in section (a), or the Senior Judge appointed above is unavailable to serve, the Clerk of the Court shall assign the case to the next available judge from the following list of potential special judges:

The regular and presiding Judge of the Daviess Circuit Court
The regular and presiding Judge of the Daviess Superior Court
The regular and presiding Judge of the Dubois Circuit Court
The regular and presiding Judge of the Dubois Superior Court
The regular and presiding Judge of the Knox Circuit Court
The regular and presiding Judge of the Knox Superior Court No. 1
The regular and presiding Judge of the Pike Circuit Court

The following local rules for Court Reporters and their services shall be adopted pursuant to Administrative Rule 15.

a. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours, or overtime hours.

b. Regular working hours shall be 35 hours per week. Gap hours shall be hours worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.

c. That for any gap or overtime hours worked, the Court and the Court reporter shall enter into a written agreement whereby compensation for such work shall be as follows:

1. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.

2. Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.

d. The Court Reporter shall be compensated at the rate of \$4.75 per page for any county indigent, state indigent or private ordinary transcripts prepared. Index and Table of Contents pages shall be charged at the rate of \$4.00 per page. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcripts as other county claims are submitted. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$6.00 where the transcript must be prepared within 3 working days or less; provided however that there shall be a minimum fee of \$50.00 for expedited transcripts.

e. A minimum fee of Forty Dollars (\$40.00) will be charged for ordinary transcripts less than seven (7) pages in length.

f. If a transcript is prepared for the purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two copies of an electronically formatted transcript, one of which shall become an official record of the court proceedings and kept in the court where said proceeding was held, and the other of which shall be submitted to the Clerk along with the original paper transcript.

g. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.

j. Each Court Reporter who receives income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court division of State Court Administration of forms prescribed by such Division.

k. If a Court Reporter elects to record and/or prepare a deposition transcript during working hours, and desires to utilize court equipment, work space and/or supplies, and the Court agrees to allow said utilization, the Court and Court Reporter shall enter into a written agreement designating the reasonable market rate for such utilization; the method of keeping records for the Reporter's use, and the method by which the Court Reporter shall reimburse the Court for said utilization.

l. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside the employee's scheduled working hours, on the employee's time off, or the employee may elect to use compensatory time. The Court shall be responsible for setting the amount of reimbursement and fees for the use of the Court's equipment and work space. The Court Reporter shall furnish her own supplies for such purposes.